

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PETE J. LEAUPEPETELE,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR,

Respondent.

CASE NO. 21-0961-RBJ-DWC

ORDER ADOPTING REPORT AND  
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of U.S. Magistrate Judge David W. Christel. Dkt. 8. The Court has considered the Report and Recommendation and the remaining file.

Petitioner, *pro se*, filed this habeas action pursuant to 28 U.S.C. § 2241 seeking to obtain release from detention or to have a bond hearing. Dkt. 1. He is currently a detainee at the Northwest ICE Processing Center awaiting a final determination of his appeal of a removal order with the Ninth Circuit Court of Appeals. *Id.* His appeal, *Leaupepetele v. Garland*, Ninth Circuit Court of Appeals No. 21-70072, has been fully briefed and his unopposed motion to decide the case on the briefs was granted on November 16, 2021.

1 The Respondent filed a response to the petition and moved to dismiss. Dkt. 7. The  
2 Report and Recommendation recommends that the Petitioner's application to proceed *in forma*  
3 *pauperis* ("IFP") (Dkt. 6) be denied as moot because the Petitioner paid the filing fee. Dkt. 8. It  
4 further recommends that the motion to dismiss be granted and the petition be dismissed with  
5 prejudice. Dkt. 8.

6 The Report and Recommendation (Dkt. 8) should be adopted. For the reasons stated in  
7 the Report and Recommendation, Petitioner's application to proceed IFP should be denied as  
8 moot and the petition should be dismissed.

9 **ORDER**

10 Therefore, it is hereby **ORDERED** that:

- 11 • The Report and Recommendation (Dkt. 8) **IS ADOPTED**;
- 12 • Respondent's motion to dismiss (Dkt. 7) **IS GRANTED**;
- 13 • The Petition (Dkt. 1) **IS DISMISSED WITH PREJUDICE**; and
- 14 • Petitioner's application to proceed IFP (Dkt. 6) **IS DENIED AS MOOT**.

15 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
16 to any party appearing *pro se* at said party's last known address.

17 Dated this 22<sup>nd</sup> day of November, 2021.

18 

19 ROBERT J. BRYAN  
20 United States District Judge